

REMARKS

Favorable reconsideration of this application is requested.

Claims 1, 2, and 4-12 are pending.

In the outstanding Office Action Claims 1-2, 4-7, and 9-12 were rejected as being anticipated by Abe (U.S. Patent No. 5,095,382); and Claim 8 was rejected as being unpatentable over Abe in view of Matsumoto et al. (U.S. Patent No. 4,027,113, hereinafter "Matsumoto").

In reply, Claim 1 requires a charging apparatus that if mounted on the battery charger so as to engage the engage section with the engaging section, the electrode is pressed-attached against the contact member with a force greater than a weight of the device due to the angular moment centered around the engaging section of the apparatus due to the weight of the apparatus.

As all the remarks in the Amendment filed September 12, 2007 continue to be relevant, Applicants incorporate herein by reference the remarks in the September 12, 2007 Amendment.

In the Office Action's "Response to Arguments", the Office Action asserts at paragraph 3 that Abe describes "that in addition to the weight of the headphone device (2), a rechargeable battery terminal, and electronic circuits (31) and (32) which may include amplifying circuit and the like are incorporated within the filter cap (16a), thus adding more weight than that of the device (2)" (Office Action page 7, paragraph 3).

The Office Action appears to be asserting that the filter cap 16a is somehow not a part of the headphone device (2). This is clearly not the case in Abe, as each of the Figures show the filter cap 16a as being part of the headphone device 2, and the filter cap 16a is used in normal operation, and during a charging operation. Abe explains that "wireless headphone 2 is provided with light receiving portions 16, 17 and 18 . . . The light receiving portions 16,

17 and 18 are covered with filter cap 16a, 17a and 18a, respectively. . . “ (column 3, lines 32-41).

Furthermore, at column 5, lines 10-14, it is the filter cap 16 that covers the electronic circuits 31 and 32 which are disposed on the top portion of the headband portion 8. If the logic of the Office Action is followed, the filter cap 16a would not be used during normal operation or during charging operation because the filter cap 16a is not part of the headphone device 2 under the Office Action’s assumption. The headphone device 2 would have exposed electronic circuits 31 and 32 and amplifying circuit during normal operation. Abe neither teaches, nor would logic dictate, for the electronics shown in Figure 6 to be exposed to external forces either during normal operation or during a charging operation. Therefore, it is unreasonable for the Office Action to assert that the cover 16a is not a part of the headphone device 2. Moreover, Abe does not characterize the filter cap 16a as being a separate device from the headphone 2.

Comparing Claim 1 with Abe, Claim 1 requires that the electrode be press-attached against the contact member with a force greater than a weight of the device due to angular moment centered around the engaging section of the apparatus due to the weight of the apparatus. In contrast, Abe only applies the weight of the apparatus with a force that is exactly the same as the weight of the device and imparts no angular moment. Because Abe does not teach or suggest all of the elements of Claim 1, it is respectfully submitted that Claim 1 patentably defines over Abe. Although of differing statutory class and/or scope, it is respectfully submitted that Claims 2 and 4-12 also patentably define over Abe.

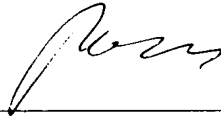
The outstanding Office Action asserts that Matsumoto discloses particular features of dependent Claim 8. Assuming *arguendo* that this is the case, Matsumoto does not cure the deficiencies discussed above with regard to Abe and Claim 1. Because Claim 8 depends

from Claim 1, it is respectfully submitted that Abe in view of Matsumoto does not teach or suggest all of the elements of Claim 1 and therefore cannot render obvious Claim 1.

Consequently, in view of the above remarks it is respectfully submitted that Claims 1, 2, and 4-12, patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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